

## DETAILED ACTION

### Remarks

This Office Action fully acknowledges Applicant's remarks filed on March 11<sup>th</sup>, 2009 and March 25<sup>th</sup>, 2009. Claims 16-21 are allowed. Claims 1-15 have been cancelled.

### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gene Stockman on July 17<sup>th</sup>, 2009.

The application has been amended as follows:

*In the specification:*

Replace the paragraph on page 5, lines 18 to 25 with the following amended paragraph-

Figs. 1 to 3 schematically show the construction of a reagent sampling mechanism 1, a reagent bottle 3, and a stripper or container 2. Those components are arranged so as to lie on a straight line. The reagent sampling mechanism 1 sucks a reagent from the reagent bottle 3 having a plurality of openings 3A placed on a reagent disk 4, carries the sucked reagent to the position of a reaction disk 5, and then delivers the reagent into a reaction cell 9 which contains a sample to be measured.

*In the claims:*

16. An automatic analyzer for use with at least one reagent bottle having at least one opening for extracting a reagent contained therein, said opening being closed by a puncturable seal member for sealing a reagent from outside atmosphere, said analyzer comprising:

a reagent extracting and dispensing mechanism having a reagent probe with a nozzle for extracting and dispensing a reagent in said reagent bottle through said opening of said reagent bottle;

a reaction cell in which a sample to be analyzed is mixed with said reagent extracted and dispensed from said reagent bottle;

measuring means for measuring a reaction between said sample and said reagent extracted and dispensed from said reagent bottle;

a ~~seal~~ piercing tool to be attached to said nozzle for piercing the puncturable seal member, said piercing tool being removable from said nozzle, said piercing tool having a hollow interior into which said nozzle is inserted from one end of said piercing tool, an opposite end of said piercing tool being a pointed needle having no opening therein, and

a container for holding said piercing tool before said piercing tool is attached to said nozzle, and for holding said piercing tool after said piercing tool is removed from said nozzle,

a mechanism for taking said piercing tool out of said container and fitting said piercing tool to said nozzle before the start of piercing the puncturable seal of said at

least one reagent bottle, and for returning said piercing tool to said container after the end of the piercing of the puncturable seal.

wherein said piercing tool comprises a lever locking said piercing tool to said nozzle when said nozzle is inserted therein to prevent said piercing tool from slipping off from said nozzle, and wherein said container has means for unlocking said lever from said nozzle ~~said lever being unlocked from said nozzle~~ to remove said piercing tool from said nozzle.

*In the drawings:*

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant must supply an additional drawings sheet which includes the structural elements of the automatic analyzer of claim 16 in a block-diagram fashion so as to properly show the measuring means for measuring of claim 16. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

***Allowable Subject Matter***

**Claims 16-21** are allowed.

The following is an examiner's statement of reasons for allowance: the closest prior art of record, namely Long (5,200,151), Court (5,863,752), Lopez (4,752,292), and Homberg (5,792,424), do not teach or fairly suggest, alone or in combination, the

automatic analyzer as recited in claim 16, which includes a piercing tool having an opposite end being a pointed needle having no opening therein. The prior art of record also does not teach or fairly suggest the automatic analyzer of claim 16, which includes a container for holding the piercing tool before and after being attached to the nozzle and a mechanism for attaching and returning the piercing tool as in claim 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments, see pages 1-7, filed March 11<sup>th</sup>, 2009, and pages 1-4, filed March 25<sup>th</sup>, 2009 with respect to claims 16-21 have been fully considered and are persuasive. The rejection of claims 16-21 has been withdrawn. During an interview with Gene Stockman, agreement was made to include an additional drawings sheet in order to properly show all of the claimed elements of the automatic analyzer.

### ***Substance of the Interview***

Examiner discussed possible amendments to be made to independent claim 16 so as to place the claim in condition for allowance. Applicant's representative agreed to adding such amendments by way of an Examiner's amendment, which changes have been shown above. Examiner also discussed that an additional drawings sheet would

need to be submitted so as to properly show the claimed elements, most notably the measuring means for measuring. Examiner discussed that a block diagram of the structural elements of the device would suffice to properly show all the claimed elements. Applicant's representative agreed to submit such an additional drawings sheet.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL TURK whose telephone number is (571)272-8914. The examiner can normally be reached on M-F, 9-630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT

/Jill Warden/  
Supervisory Patent Examiner, Art Unit 1797